

REMARKS

This is in response to the Office Action of October 27, 2010 in connection with this matter. With this response, claims 1-7 are amended, claim 8 is canceled and all pending claims 1-7 are presented for reconsideration and favorable action.

In the Office Action, a typographical error on line 13 of claim 1 was noted. That claim has been amended and it is believed that the rejection may be withdrawn.

In the Office Action, claims 1-8 were rejected under 35 USC § 112. Language in claim 1 related to stating that each half shell comprises “a second layer of thermally insulated material” was noted. Support for this configuration in which the first layer is thermally conducting and the second layer is thermally insulating can be found at Figure 8, elements 120 and 122 which are described generally at page 8, lines 26 through page 10, line 2.

The claims were rejected based upon Stafford (US 5,763,118) in view of Izaki et al. (US 2002/0113685) and further in view of Maggert et al. (US 6,724,170). However, it is believed that the pending claims are patentably distinct from these references.

The amended claims describe the first and second half shells extending in parallel planes. The cited references do not show half shells which extend in planes. Further, the claimed half shells are described as enclosing the plurality of electrical energy storage cells. This also is not shown in the cited references. For this additional reason, the rejection should be withdrawn.

The claims describe a gap between the first and second shells to allow thermal expansions of the half shells during heating. This also is not shown in the cited references.

Further still, the cited references do not describe a first (interior) layer which is thermally conductive and an outer layer which is thermally insulating. This is not shown as noted in Stafford in which the only configuration described are first and second layers having the same heat conductivity (column 5, lines 27-30 of Stafford).

As the cited references do not show all of the claimed elements, the rejection against the pending claims should be withdrawn.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action’s characterizations

of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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